

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

MEDGRAPH, INC.,

Plaintiff,

v.

MEDTRONIC, INC.,

Defendant.

**ORDER**

6:09-cv-06610-DGL-MWP



**WHEREAS** defendant Medtronic, Inc. has moved for an Order, pursuant to Rule 5.3 of the Rules of the United States Court for the Western District of New York, directing that certain documents submitted in support of defendant's amended motion for summary judgment dated September 5, 2012, be filed under seal with the Clerk of the Court, and

**WHEREAS** Medtronic and plaintiff Medgraph, Inc. (collectively, "the parties") have stipulated to the Amended Stipulated Protective Order for Confidential Information, entered by this Court on April 27, 2011 (Dkt. #70), which permits filing of documents and information designated as confidential under seal, and upon due deliberation,

**IT IS HEREBY ORDERED** that Medtronic's motion is granted and that Clerk of the Court shall file the following confidential documents under seal:

- a. Exhibit 4, Medgraph, Inc.'s Supplemental Responses to Medtronic, Inc.'s First Set of Interrogatories;
- b. Exhibit 5, excerpts from the deposition of Gary Cohen, taken on December 1, 2010;
- c. Exhibit 9, MED035362-91;
- d. Exhibit 10, MED035567-78;

- e. Exhibit 13, excerpts from the deposition of Edward J. Schlueter, Jr., taken on December 10, 2010;
- f. Exhibit 14, excerpts from the deposition of Bryan P. Bergeron, taken on August 10, 2012;
- g. Exhibit 22, excerpts from the deposition of Todd Robin (Medtronic, Inc. 30(b)(6) witness), taken on May 5, 2011;
- h. Exhibit 23, MED0067914-5;
- i. Exhibit 24, MED0066808-9;
- j. Exhibit 25, Medtronic's Responses to Medgraph's Fourth Set of Interrogatories;
- k. Exhibit 26, Medgraph, Inc's Supplemental Responses to Medtronic, Inc.'s First Set of Interrogatories; and
- l. Exhibit 27, excerpts from the deposition of Paul Kovelman (Medtronic, Inc. 30(b)(6) witness), taken on May 6, 2011.

DATED: Rochester, New York

*September 12* 2012



HON. DAVID G. LARIMER  
UNITED STATES DISTRICT JUDGE